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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,

Case No. 5:19-cr-00056-EJD (NC)

15 Plaintiff,

STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME TO
RESPOND TO FEDERAL RULE OF
CRIMINAL PROCEDURE 17(C)
SUBPOENA TO NON-PARTY APPLE
INC.

16 v.

17 JIZHONG CHEN,

18 Defendant.

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STIPULATION AND [PROPOSED] ORDER
TO EXTEND TIME TO RESPOND TO
SUBPOENA
CASE NO. 5:19-CR-00056-EJD

1 Pursuant to Criminal Local Rule 47-4, Defendant Jizhong Chen (“Mr. Chen”) and non-
 2 party Apple Inc. (“Apple”), by and through their undersigned counsel, hereby stipulate as
 3 follows:

4 WHEREAS, Mr. Chen applied for the issuance of a subpoena to Apple in the above-
 5 captioned matter pursuant to Federal Rule of Criminal Procedure 17(c) (the “subpoena”);

6 WHEREAS, on February 1, 2022, the Court ordered issuance of the subpoena to Apple;

7 WHEREAS, the Court ordered Apple to produce documents in response to the subpoena
 8 on or before March 28, 2022 at 1:30pm;

9 WHEREAS, the Court granted a stipulated extension for Apple to respond to the
 10 subpoena on or before June 6, 2022 at 1:30pm, and to file a motion to quash the subpoena by May
 11 2, 2022;

12 WHEREAS, Apple filed on May 2, 2022 a motion to quash certain subpoena requests;

13 WHEREAS, Apple produced on June 6, 2022 documents responsive to those subpoena
 14 requests that Apple had not moved to quash;

15 WHEREAS, Magistrate Judge Cousins issued an order on December 6, 2022 (the
 16 “Order”) granting in part and denying in part Apple’s motion to quash and setting certain
 17 compliance dates;

18 WHEREAS, the Order provided that Mr. Chen or Apple may submit an objection to the
 19 Order by December 20, 2022;

20 WHEREAS, the Order provided that Apple produce responsive non-privileged documents
 21 by January 6, 2021 and a privilege log by January 13, 2023;

22 WHEREAS, following issuance of the Order, counsel for Mr. Chen and Apple have met
 23 and conferred on multiple occasions in an effort to reach an agreed resolution regarding the
 24 outstanding subpoena requests;

25 WHEREAS, those discussions have made material progress toward resolving Mr. Chen’s
 26 and Apple’s disagreements but have not yet resulted in an agreement;

27 WHEREAS, Mr. Chen and Apple anticipate that there is a material chance that further

28 STIPULATION AND [PROPOSED] ORDER
 TO EXTEND TIME TO RESPOND TO
 SUBPOENA
 CASE NO. 5:19-CR-00056-EJD

1 efforts to meet and confer will result in an agreement that will avoid further involvement of the
2 Court;

3 WHEREAS, Apple anticipates that gathering and producing documents in response to
4 requests that were not quashed will require a significant amount of time;

5 WHEREAS, Apple's operations will be shut down between December 23, 2022 and
6 January 2, 2023 in observance of the holidays;

7 WHEREAS, Mr. Chen does not believe that the extensions requested herein will
8 materially impact the schedule for the trial of this matter; and

9 WHEREAS, the United States has informed counsel for Apple that it has no objection to
10 the extensions requested herein;

11 IT IS HEREBY STIPULATED AND AGREED between Mr. Chen and Apple, and Mr.
12 Chen and Apple hereby move the Court that the dates below be extended as follows:

13 (1) The date for Mr. Chen or Apple to submit an objection to the Order be extended from
14 December 20, 2022 to on or before January 13, 2023; and

15 (2) The date for Apple to produce responsive non-privileged documents and a privilege
16 log be continued from January 6, 2023 and January 13, 2023 to February 17, 2023 and March 3,
17 2023, respectively.

18 IT IS SO STIPULATED.

19 Respectfully submitted,

20 Dated: December 16, 2022

NOLAN BARTON & OLMOS LLP

21 /s/ Daniel B. Olmos

22 Daniel B. Olmos

23 Attorney for Defendant Jizhong Chen

24 Dated: December 16, 2022

O'MELVENY & MYERS LLP

25 /s/ David R. Eberhart

26 David R. Eberhart

27 Attorney for Non-Party Apple Inc.

28 STIPULATION AND [PROPOSED] ORDER
TO EXTEND TIME TO RESPOND TO
SUBPOENA
CASE NO. 5:19-CR-00056-EJD

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JIZHONG CHEN,
Defendant.

Case No. 5:19-cr-00056-EJD (NC)

**[PROPOSED] ORDER TO EXTEND
TIME TO RESPOND TO FEDERAL
RULE OF CRIMINAL PROCEDURE
17(C) SUBPOENA TO NON-PARTY
APPLE INC.**

Good cause appearing, it is ordered that (1) the deadline by which defendant Jizhong Chen and non-party Apple Inc. (“Apple”) must submit any objection to this Court’s Order of December 6, 2022 (ECF No. 98) be extended to January 13, 2023, (2) the deadline for Apple to produce responsive, non-privileged documents pursuant to the requests that were not quashed by that Order is extended from January 6, 2023 to February 17, 2023, and (3) the deadline for Apple to serve a privilege log on Mr. Chen is extended from January 13, 2023 to March 3, 2023.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

Hon. Edward J. Davila
United States District Judge